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## Council Members Back Disability Reform

Legislation Promised After Report Raises Questions on Police Retirement System

By Ann E. Marimow  
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Montgomery County Council members said yesterday that the government's disability retirement system for police officers is broken and ripe for potential abuse.

Council members were responding to an inspector general's report this week that found more than 60 percent of police officers who retired in the past four years are collecting disability benefits, including senior managers who have gone on to other law enforcement jobs.

Council member [Phil Andrews](#) (D-Gaithersburg-Rockville) said that the system is unduly influenced by labor unions that have veto power over the doctors and arbitrators who determine an employee's eligibility to collect disability benefits.

"That doesn't strike me as the best way to get an independent opinion," said Andrews, who leads the Public Safety Committee and is often critical of union influence. "Appellants should not be able to pick their judges."

Andrews and council member [Duchy Trachtenberg](#) (D-At Large) said they would act quickly to introduce legislation to ensure independent review of disability claims, give county officials the ability to deny benefits to officers involved in wrongdoing and create a smaller partial disability benefit.

Council member [Marc Elrich](#) (D-At Large) suggested that elected officials were responsible for setting up a system that "incentivizes people to take advantage. That's different than gaming the system," he said. "We've all signed off on this."

Aides to County Executive [Isiah Leggett](#) (D) agreed that the system must be fixed, but they said that because disability determinations are made by medical professionals, it would be unfair to allege abuse.

"To infer there is abuse when we've followed a medical process, to me, that is unacceptable," Joseph Adler, director of the Office of Human Resources, told council members.

Adler disputed Andrews's assertion that the system is biased in favor of employees. County officials, he said, have the same right as union leaders to reject doctors and arbitrators through a process similar to jury selection.

Adler's comments were echoed by Police Chief [J. Thomas Manger](#), who said that the system must be strengthened but that it would be "simplistic" to say it is broken.

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Retirees eligible for service-related disability receive two-thirds of their previous salary tax free for life. Officers who retire without disability after 25 years generally receive about 60 percent of their salaries, and the standard retirement benefit dips significantly when a retiree begins to collect Social Security.

The inspector general's report criticized county officials for lax oversight, including limited use of routine physical exams to assess the health of current officers. He also faulted county officials for a decision to stop giving disabled retirees annual checkups to determine whether their conditions have changed.

Union officials, who watched in the audience yesterday, said the rate of disability retirements has not changed in two decades, and they pointed to a study that found fewer disability retirements than expected from 2001 to 2005, based on actuarial assumptions.

"This whole thing is just a public show with no news," said Walter Bader, a leader of the county's police union, the Fraternal Order of Police Lodge 35.

Bader's assessment was at odds with that of a former acting police chief, who called the situation "scandalous" and urged county leaders to fix it.

Thomas D. Evans, who was acting chief in 1999, retired after 25 years with bumps and bruises from making arrests. But he said in a letter to Leggett and council members that he "would not have even considered spinning that into a disability retirement."

Evans said he knows of officers who have retired on disability and gone on to work in law enforcement, as rodeo bull wrestlers or roofers.

"What we don't want is a system that allows people with your typical age-related conditions to misuse the system," Evans wrote. "All of us deteriorate to some degree as we age. That does not mean we should get a large tax-free income for life."

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